

HOUSE BILL NO. 191

INTRODUCED BY R. DRISCOLL

A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING PIT BULLS; PROHIBITING OWNERSHIP OF PIT BULLS AFTER A CERTAIN DATE; ALLOWING EXCEPTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Pit bull dogs prohibited -- definition -- exceptions -- registration required. (1) Except as provided in subsection (3), it is unlawful for any person to own, harbor, or keep a pit bull dog.

(2) As used in [sections 1 through 3], "pit bull dog" means:

(a) a Staffordshire bull terrier;

(b) an American Staffordshire terrier;

(c) an American pit bull terrier;

(d) an American bulldog; or

(e) any dog that has been registered at any time as a pit bull terrier or has the physical characteristics that substantially conform to the standards established for the breeds listed in this subsection (2) by the American kennel club or the united kennel club.

(3) The prohibition in this section does not apply to a person who:

(a) owned a pit bull dog and registered the ownership of the dog with the county government and obtained a license tag identifying the dog as a registered pit bull dog on or before [the effective date of this act];

(b) is temporarily transporting a securely confined pit bull dog through the state; or

(c) is showing a pit bull dog in a place of public exhibition, contest, or show sponsored by a dog club, association, or similar organization when the sponsor of the exhibition or show has:

(i) obtained written permission from the county for the showing of pit bull dogs; and

(ii) provided protective measures to prevent a pit bull dog from escaping or injuring the public.

(4) A pit bull dog registered under subsection (3)(a) must at all times wear the license tag identifying the dog as a registered pit bull dog.

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2 **NEW SECTION. Section 2. Removal of pit bull dog -- destruction.** (1) A person who owns, keeps,
3 or harbors a pit bull dog in violation of [section 1(1)] shall surrender the dog to any peace officer or representative
4 of a county or municipal agency with authority for animal control unless the owner provides proof that the dog:

5 (a) is registered in accordance with [section 1(3)]; or

6 (b) is not a pit bull dog.

7 (2) Pursuant to a search warrant supported by probable cause and issued by a district court judge,
8 municipal court judge, or justice of the peace, a peace officer may seize a pit bull dog and place the dog with the
9 county or municipal agency with authority for animal control.

10 (3) Within 10 days of receiving a pit bull dog, the county or municipal agency with authority for animal
11 control shall euthanize the dog unless the owner provides proof that the dog is not a pit bull dog or that the dog
12 was registered and exempt from the provisions of [section 1(1)].

13 (4) The county may establish a fair hearing process for an appeal of a determination that a dog is a pit
14 bull dog.

15 (5) Expenses incurred by the animal control agency under this section must be paid by the owner of the
16 pit bull dog.

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18 **NEW SECTION. Section 3. Control of pit bull dogs.** The owner of a pit bull dog that is exempt from
19 the provisions of [section 1(1)] shall:

20 (1) keep an unleashed, unmuzzled dog confined to the owner's premises;

21 (2) keep the dog muzzled and on a leash when the dog is outside of the owner's premises;

22 (3) within 30 days of registering ownership with the county, provide the county with proof from a licensed
23 veterinarian that the pit bull dog has been neutered or spayed or is incapable of being neutered or spayed.

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25 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 through 3] are intended to be codified
26 as an integral part of Title 7, chapter 23, part 1, and the provisions of Title 7, chapter 23, apply to [sections 1
27 through 3].

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29 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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